

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

A. CORNELL BLANKS, §
§
Plaintiff, §
§
§ Civil Action No. 3-09-CV-0695-K
vs. §
§
VOUGHT AIRCRAFT INDUSTRIES, §
INC., §
§
Defendant §

DEFENDANT'S MOTION FOR ATTORNEYS' FEES

Pursuant to Federal Rule of Civil Procedure 54(d), Defendant Vought Aircraft Industries, Inc., (hereinafter referred to as "Defendant" or "Vought"), files Defendant's Motion for Attorneys' Fees.

I. Introduction

1. In April of 2009, Plaintiff commenced this lawsuit against Defendant, alleging that Defendant violated 42 U.S.C. §1983, 42 U.S.C. §1985, Title VII of the Civil Rights Act of 1964 ("Title VII"), the Americans with Disabilities Act ("ADA"), the Employee Retirement Income Security Act ("ERISA"), and the Family Medical Leave Act ("FMLA"). Plaintiff also brought claims against Defendant for negligence and breach of contract.

2. From the onset of this litigation, the frivolous nature of Plaintiff's claims has been readily apparent. Plaintiff filed over fifty (50) documents with the Court during the course of this litigation. The majority of these documents consisted of frivolous motions and/or other documents containing statements of a defamatory nature against Defendant and Defendant's counselors. The majority of these motions required a response by Defendant, and therefore,

Defendant expended considerable time and resources in responding to Plaintiff's frivolous motions.

3. Thereafter, the frivolous nature of Plaintiff's claims was confirmed. On October 12, 2010, the United States Magistrate Judge recommended that Defendant's Motion for Summary Judgment be Granted. On October 26, 2010, an Order was entered, which accepted the Findings, Conclusions and Recommendation of the United States Magistrate, and a judgment was entered, which granted Defendant's Motion for Summary Judgment, and dismissed Plaintiff's claims with prejudice. For the reasons set forth in greater detail below, Defendant is entitled to attorneys' fees on statutory grounds.

II. Argument

A. Defendant's statutory basis for its' Motion for Attorneys' Fees

1. 42 U.S.C. §1983, 42 U.S.C. §1985, Title VII and the ADA.

Pursuant to 42 U.S.C. §1988, a district court may award attorney fees to a prevailing party in lawsuits alleging violations of 42 U.S.C. §1983, 42 U.S.C. §1985, Title VII. 42 U.S.C. §1988. Subsequent case law has further defined and explained the fee-shifting provision of 42 U.S.C. §1988, and states that a court may award attorney fees to a prevailing defendant in cases brought under these statutes, (and the ADA), where the "plaintiff's underlying claim is frivolous, unreasonable, or groundless." *Myers v. City of W. Monroe*, 211 F. 3d 289, 292 (5th Cir. 2000) (*citing Walker v. City of Bogalusa*, 168 F. 3d, 237, 239 (5th Cir. 1999); *No Barriers, Inc. v. Brinker Chili's Texas, Inc.*, 262 F. 3d 496, 498 (N.D. Tex. 2001) (*citing Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 422 (1978)). Here, the Defendant is the prevailing party as to the claims brought by Plaintiff under 42 U.S.C. §1983, 42 U.S.C. §1985, Title VII and the ADA. Defendant should be awarded attorneys' fees in this case because Plaintiff's claims were

completely frivolous. The frivolous nature of Plaintiff's claims is supported by the Court's determination that the Plaintiff failed to establish a *prima facie case* of race discrimination and disability discrimination under Title VII and the ADA.¹ (In considering whether a lawsuit is frivolous a district court may look at a number of factors, including whether the plaintiff established a *prima facie case*. *Myers*, 211 F. 3d at 292 (*citing United States v. Mississippi*, 921 F. 2d 604, 609 (5th Cir. 1991)). In addition, with respect to 42 U.S.C. §1983, the Court held that "Blanks has provided no evidence that Vought acted under the color of state law or that it violated any of Blanks' constitution rights."² Similarly, in reference to 42 U.S.C. §1985, the Court found that "Blanks has failed to explain how Vought has violated this statute or how it is relevant at all to any of his claims."³

2. ERISA

In an action under ERISA, a court may award reasonable attorney fees to the prevailing party. 29 U.S.C. §1132(g)(1).

In deciding whether to award attorneys' fees to a party under section 502(g), therefore, a court should consider such factors as the following: (1) the degree of the opposing parties' culpability or bad faith; (2) the ability of the opposing parties to satisfy an award of attorneys' fees; (3) whether an award of attorneys' fees against the opposing parties would deter other persons acting under similar circumstances; (4) whether the parties requesting attorneys' fees sought to benefit all participants and beneficiaries of an ERISA plan or to resolve a significant legal question regarding ERISA itself; and the relative merits of the parties' position.

Salley v. E.I. DuPont de Nemours & Co., 966 F. 2d 1011, 1017) (5th Cir. 1992) (*citing Iron Workers Local No. 272 v. Bowen*, 624 F. 2d 1255, 1266 (5th Cir. 1980), *appeal after remand*, 695 F.2d 531 (11th Cir. 1983)). Defendant is the prevailing party as to Plaintiff's ERISA claims. Defendant should be awarded attorneys' fees under the *Bowen* factors because

¹ Docket Entry #127, pp.6.

² Docket Entry #127, pp. 10.

³ Docket Entry #127, pp. 10.

the Plaintiff brought this action in bad faith, Plaintiff has the ability to satisfy an award of attorneys' fees, and an award of attorneys' fees would deter others from engaging in similar conduct. Specifically, the notion that Plaintiff brought this action in bad faith is supported by the Court's finding that the Plaintiff's claims under ERISA are conclusory and that the Plaintiff "has failed to come forth with any facts in support of this contention."⁴ It is believed that Plaintiff is currently employed, and therefore, that Plaintiff would have the ability to satisfy an award of attorneys' fees. Moreover, awarding attorneys' fees in this case would deter others from filing and engaging in frivolous litigation.

B. The amount of attorneys' fees sought by Defendant

Defendant has incurred substantial fees and costs over the 1+ years in dealing with this matter, with attorneys' fees being in the amount of \$66,605.00, and costs in the amount of \$3,859.84 (*See "Affidavit of Robert (Bobby) Lee" attached as Exhibit A, and spreadsheets containing detailed work, attached thereto as Exhibit A-1, Exhibit A-2, and Exhibit A-3"*) As discussed in the Affidavit, the fees charged, the rate charged, and the amount of time expended by counsel was of a reasonable nature, in relation to the fees charge and hours expended by counsel of similar experience and/or board certifications. In addition, (as also stated in Affidavit and identified in spreadsheets), the costs incurred were reasonable and necessary.

III. Conclusion

Based on the foregoing, Defendant respectfully requests that Defendant's Motion for Attorneys' Fees be granted and that Defendant be awarded attorneys' fees in the amount of \$66,605.00.

⁴ Docket Entry #127, pp. 9.

RESPECTFULLY SUBMITTED

/s/ Robert Lee

Robert (Bobby) Lee
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Carmen Artaza
Texas State Bar No. 24055114
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Dallas, Texas 75202
Telephone: (214) 749-1400
Facsimile: (214) 749-1010

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that this document was served on the following person via first class mail on this, the 8th day of November, 2010

A. Cornell Blanks
P.O. Box 101501
Fort Worth, Texas 76185

/s/ Robert Lee

Robert (Bobby) Lee

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

A. CORNELL BLANKS, §
Plaintiff, §
vs. § Civil Action No. 3-09-CV-0695-K
VOUGHT AIRCRAFT INDUSTRIES, §
INC., §
Defendant §

AFFIDAVIT OF ROBERT (BOBBY) LEE

Before me, the undersigned notary, on this day personally appeared Robert (Bobby) Lee, a person whose identity is known to me. After I administered an oath to him, upon his oath he said:

1. "My name is Robert (Bobby) Lee. I am over the age of 21 and I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am an attorney licensed to practice in the State of Texas. I have worked on employment-law matters almost exclusively since 1993, (after my graduation from the University of Michigan Law School where I took numerous employment-law classes), and in 1999 I became certified as a specialist in Labor and Employment Law by the Texas State Bar's Board of Legal Specialization. My employment law work history includes, having served in the Labor & Employment section of the City Attorney's Office for the City of Houston from 1993 to 1997, worked for Littler Mendelson, (the largest Labor & Employment defense firm in the country), from 1997 to 2002, head of the employment-law section of Heygood, Orr & Reyes, L.L.P., and Robert Lee & Associates, P.C., until 2006, and thereafter, becoming a head partner at Lee & Braziel, LLP. I was formerly the president of the Tarrant County Bar's Labor & Employment section, and I am a member of the Board of the Dallas County Bar's Labor & Employment section. I have also been an arbitrator with the American Arbitration Association, specializing in employment-law matters, since 2004.

3. Vought Aircraft, Inc., (hereinafter referred to as "Vought"), retained me and my firm, on an hourly basis, to represent it in the lawsuit, which was filed by A. Cornell Blanks, (*A. Cornell Blanks v. Vought Aircraft, Industries, Inc.*, Civil Action No. 3-09-CV-0695-K, Northern District of Texas- Dallas Division).

EXHIBIT

tables

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4. Vought's retention of the firm in this case precluded the firm from working on other matters during the same time period.

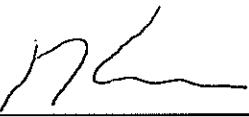
5. The time expended by the firm is outlined in the excel documents attached hereto as Exhibits A-1, A-2 and A-3, (entitled "Invoice for Legal Services-Blanks v. Vought.") Time was expended by myself, at the rate of \$275 per hour, and by my associate, Carmen Artaza, at a rate of \$150 per hour.

6. Carmen Artaza has worked exclusively in employment law for me from January 2007 to the present, after graduating from the University of Miami's Law School.

7. The attorney fees charged in this case were necessary, were reasonable, and were incurred in the defense of this suit. Based on my over fifteen years of experience working in the employment-law field, in both large and small firms, and having researched the matter by talking to other like employment-law professionals, the fees/hourly rate outlined in Exhibits A-1, A-2 and A-3 for this case are customarily charged in this area for the same or similar services for attorneys with similar experience, reputation, and ability, considering the type of controversy, the time limitations imposed, the results obtained, and the nature and length of my relationship with my client.

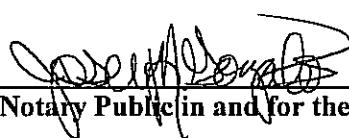
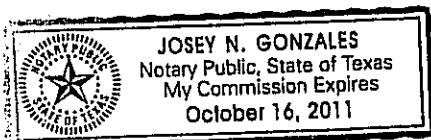
8. The billable costs expended by the firm is also outlined toward the end of the excel documents attached hereto as Exhibits A-1, A-2 and A-3, (entitled "Invoice for Legal Services-Vought.") All costs incurred were reasonable and necessary in the defense of this case.

Further Affiant Sayeth Not."



Robert (Bobby) Lee

SUBSCRIBED AND SWORN TO BEFORE ME on the 8th day of November 2010, to certify which witness my hand and official seal.



Notary Public in and for the State of Texas

Lee & Braziel, LLP

1801 N. Lamar, Suite 325, Dallas TX 75202

INVOICE FOR LEGAL SERVICES

BLANKS v. VOUGHT AIRCRAFT (VOU-003)

BILLING PERIOD: July, 2009 - December 31, 2009

<u>DATE</u>	<u>ATTY/PARA.</u>	<u>DESCRIPTION OF SERVICES PERFORMED</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
7/22/2009	R. Lee	Review portion of file.	0.3	\$275.00	\$82.50
8/12/2009	R. Lee	Review file; Contact client on same.	0.3	\$275.00	\$82.50
8/21/2009	R. Lee	Meeting at plant to obtain information for case; Preparation for same.	3.2	\$275.00	\$880.00
9/2/2009	R. Lee	Prepare Answer and Affirmative Defenses.	3.7	\$275.00	\$1,017.50
9/3/2009	R. Lee	Additional efforts to prepare Answer and Affirmative Defenses.	2.0	\$275.00	\$550.00
9/7/2009	R. Lee	Review S/J Motion and Brief. Begin preparation of response.	1.5	\$275.00	\$412.50
9/10/2009	R. Lee	Review new motions filed by Plaintiff; Prepare response and Motion for Sanctions; Review documentation; Conference with Plaintiff on matter.	3.8	\$275.00	\$1,045.00
9/15/2009	R. Lee	Review Motion for Sanctions from Plaintiff; Contact Court on hearing; Prepare Motion for Hearing.	0.6	\$275.00	\$165.00
9/25/2009	C. Artaza	Telephone conference with Plaintiff to set-up Rule 26(f) conference.	0.2	\$150.00	\$30.00
10/8/2009	R. Lee	Prepare for, and attend, hearing on Motion to Strike, Sanctions, etc . . . ; Rule 26f conference with Plaintiff; Prepare Order; Begin issue related discovery.	2.8	\$275.00	\$770.00
10/12/2009	C. Artaza	Draft & Revise Joint Status Report.	1.0	\$150.00	\$150.00
10/13/2009	R. Lee	Review and revise Joint Scheduling Order; Contact Plaintiff on same.	0.6	\$275.00	\$165.00
10/16/2009	C. Artaza	Revise Joint Status Report; Review file on discovery matters.	1.0	\$150.00	\$150.00
10/19/2009	C. Artaza	Draft discovery to Plaintiff; Subpoena records from Plaintiff's current employer.	0.5	\$150.00	\$75.00

EXHIBIT

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10/22/2009	C. Artaza	Telephone conference with Plaintiff re: Joint Status Report	0.2	\$150.00	\$30.00
10/28-29/2009	R. Lee	Amend discovery responses and objections; Review documentation.	4.6	\$275.00	\$1,265.00
10/28/2009	C. Artaza	Telephone conference with Plaintiff re: discovery; Revise same.	0.3	\$150.00	\$45.00
11/28/2009	C. Artaza	Draft discovery template and submit objections to Plaintiff's discovery requests.	3.8	\$150.00	\$570.00
11/28/2009	C. Artaza	Revise discovery responses to Plaintiff's discovery requests.	0.6	\$150.00	\$90.00
11/30/2009	R. Lee	Review and revise discovery responses; Contact client on same; Revise notes on same.	3.8	\$275.00	\$1,045.00
12/1/2009	R. Lee	Revise and supplement discovery responses; Meeting at Plant to obtain information, pictures; Contact Plaintiff on discovery matters.	5.1	\$275.00	\$1,402.50
12/4/2009	C. Artaza	Revise Discovery to Plaintiff.	0.4	\$150.00	\$60.00
12/8/2009	C. Artaza	Obtain information on subpoena served on Plaintiff's employer and draft correspondence to Plaintiff on same.	0.3	\$150.00	\$45.00
12/10/2009	R. Lee	Meeting at Vought and preparation for same; Review document obtained from Lockheed Martin; Review documents provided by Plaintiff; Review discovery responses; Contact Plaintiff on future discovery matters.	5.6	\$275.00	\$1,540.00
12/12/2009	C. Artaza	Draft Motion to Compel re: Plaintiff's discovery responses.	2.0	\$150.00	\$300.00
12/14/2009	C. Artaza	Amend Motion to Compel re: Plaintiff's discovery responses; Legal analysis on same.	1.3	\$150.00	\$195.00
12/17/2009	C. Artaza	Prepare for deposition of Plaintiff.	0.3	\$150.00	\$45.00
12/21/2009	R. Lee	Review recent Motions and discussion with client.	0.3	\$275.00	\$82.50
12/23/2009	R. Lee	Review Plaintiff's discovery motions and coordinate response.	0.4	\$275.00	\$110.00
12/28/2009	C. Artaza	Draft response to Plaintiff's Motion to Compel the Deposition of Thomas Chick; Draft response to Plaintiff's Motion to Compel.	4.1	\$150.00	\$615.00

12/29/2009	C. Artaza	Revise response to Plaintiff's Motion to Compel the Deposition of Thomas Chick; Revise response to Plaintiff's Motion to Compel; Draft reply to Plaintiff's Responses to Defendant's Motion to Compel.	3.8	\$150.00	\$570.00
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TOTAL FOR SERVICES PERFORMED: **\$13,015.00**

EXPENSES

Deposition- Certificate of Non-Appearance	\$125.00
Subpoenaded Employment Records	\$460.00

EXPENSE TOTAL **\$585.00**

GRAND TOTAL **\$13,600.00**

Lee & Braziel, LLP

1801 N. Lamar, Suite 325, Dallas TX 75202

INVOICE FOR LEGAL SERVICES

BLANKS v. VOUGHT AIRCRAFT (VOU-003)

BILLING PERIOD: June 1, 2010 - August 31, 2010

<u>DATE</u>	<u>ATTY/PARA.</u>	<u>DESCRIPTION OF SERVICES PERFORMED</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
6/1/2010	R. Lee	Preparation for deposition of Ramby and Baczewski; Meeting with them on same.	3.8	\$275.00	\$1,045.00
6/2/2010	C. Artaza	Review Motion for Sanctions filed by Plaintiff.	0.3	\$150.00	\$45.00
6/2/2010	R. Lee	Prepare for, and attend, deposition of Ramby and Baczewski.	6.1	\$275.00	\$1,677.50
6/10/2010	C. Artaza	Draft Motion to Compel #2 and prepare for filing.	0.8	\$150.00	\$120.00
6/7/2010	R. Lee	Work on reply to Doc. 78; Review other filings; Review matters related to privilege log.	1.0	\$275.00	\$275.00
6/10/2010	R. Lee	Prepare Reply to Motion for Sanctions; Prepare Reply on Dixon matter; Contact client on same; Review Motion to Compel.	3.6	\$275.00	\$990.00
6/16/2010	R. Lee	Review Plaintiff's Deposition and begin preparation of summary judgment and timeline.	8.0	\$275.00	\$2,200.00
6/16/2010	C. Artaza	Draft and Amend Responses to Docket Entry #87.	0.8	\$150.00	\$120.00
6/21/2010	R. Lee	Work on summary judgment; Review correspondence from Plaintiff.	1.5	\$275.00	\$412.50
6/22/2010	C. Artaza	Respond to Docket Entry #86 & #88.	3.1	\$150.00	\$465.00
6/24/2010	C. Artaza	Amend Response to Motion for Leave; Amend Response to Docket Entry #86; Conduct legal research on same.	2.5	\$150.00	\$375.00
6/25/2010	R. Lee	Continuing preparation of Motion for Summary Judgment; Review depositions and other documentation for same.	8.6	\$275.00	\$2,365.00
6/29/2010	R. Lee	Additional preparation and revisions to Motion for Summary Judgment; Review documentation for same.	7.8	\$275.00	\$2,145.00
7/1/2010	J. Krons	Prepare Summary Judgment Brief; Review documentation to support same; Legal analysis for same.	7.3	\$275.00	\$2,007.50

EXHIBIT

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7/1/2010	C. Artaza	Amend MSJ; Amend Response to Plaintiff's Motion to Extend the Discovery Deadline.	1.1	\$150.00	\$165.00
7/2/2010	R. Lee	Review and revise MTC for additional discovery; Revise Summary Judgment Motion and Brief; Draft Declarations.	7.7	\$275.00	\$2,117.50
7/2/2010	J. Krons	Continuing Preparation of Summary Judgment Brief; Legal analysis for same.	6.4	\$275.00	\$1,760.00
7/5/2010	R. Lee	Revise Summary Judgment Motion and Brief.	5.9	\$275.00	\$1,622.50
7/6/2010	R. Lee	Additional Revisions to Summary Judgment Motion and Declarations supporting same.	4.2	\$275.00	\$1,155.00
7/7/2010	R. Lee	Contact client re: summary judgment and brief; Revise documentation related to same; Review Plaintiff's latest filings.	2.0	\$275.00	\$550.00
7/8/2010	R. Lee	Additional conference with client re: summary judgment motion, brief, and supporting documents; Revise same.	3.0	\$275.00	\$825.00
7/14/2010	C. Artaza	Prepare response to Docket Entry #93.	1.2	\$150.00	\$180.00
7/15/2010	R. Lee	Prepare Bradshaw Declaration.	0.3	\$275.00	\$82.50
7/19/2010	R. Lee	Final revisions to MSJ and supporting documentation.	1.0	\$275.00	\$275.00
7/19/2010	C. Artaza	Amend MSJ and prepare proposed order.	2.2	\$150.00	\$330.00
7/25/2010	R. Lee	Review Court Order; Obtain information on Dixon.	0.3	\$275.00	\$82.50
8/4/2010	R. Lee	Review and prepare Response to Plaintiff's MSJ.	8.0	\$275.00	\$2,200.00
8/5/2010	C. Artaza	Review Plaintiff's Appendix to his Motion for Summary Judgment; Draft Motion to Strike; Conduct legal research on same.	5.8	\$150.00	\$870.00
8/6/2010	R. Lee	Revise Motion to Strike; Contact other counsel and Dixon re: potential testimony.	1.1	\$275.00	\$302.50
8/9/2010	R. Lee	Make revisions to MSJ Response/Motion to Strike. Prepare same for filing.	1.5	\$275.00	\$412.50
8/9/2010	J. Krons	Prepare MSJ Reply and legal analysis for same.	4.0	\$275.00	\$1,100.00
8/12/2010	R. Lee	Revise MSJ Reply and review documentation.	1.2	\$275.00	\$330.00

8/13/2010	C. Artaza	Review Reply; Review Plaintiff's Supplemental Appendix.	0.5	\$150.00	\$75.00
8/16/2010	C. Artaza	Motion to Strike Plaintiff's MSJ Response.	0.7	\$150.00	\$105.00
8/24/2010	R. Lee	Contact Plaintiff on court order; Review Plaintiff's Reply (Doc #s 110 & 111).	0.3	\$275.00	\$82.50
8/25/2010	C. Artaza	Draft Response to Plaintiff's Motion to Strike and prepare for filing.	1.3	\$150.00	\$195.00
8/30/2010	C. Artaza	Draft and amend response to Docket Entry #113; Review correspondence from Texas Health Arlington Memorial Hospital.	0.6	\$150.00	\$90.00
8/31/2010	C. Artaza	Review and respond to correspondence re: Documents from Texas Health Arlington Memorial Hospital.	0.2	\$150.00	\$30.00

TOTAL FOR SERVICES PERFORMED: **\$29,150.00**

EXPENSES **\$0.00**

EXPENSE TOTAL **\$0.00**

GRAND TOTAL **\$29,150.00**

Lee & Braziel, LLP

1801 N. Lamar, Suite 325, Dallas TX 75202

INVOICE FOR LEGAL SERVICES

BLANKS v. VOUGHT AIRCRAFT (VOU-003)

BILLING PERIOD: January, 2010 - May 31, 2010

<u>DATE</u>	<u>ATTY/PARA.</u>	<u>DESCRIPTION OF SERVICES PERFORMED</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
1/4/2010	R. Lee	Review reply filed by Blanks; Coordinate future discovery responses and depositions; Contact client and Blanks on same.	1.2	\$275.00	\$330.00
1/11/2010	R. Lee	Review Reply to MTC; Contact client re: discovery; Review documentation.	0.6	\$275.00	\$165.00
1/11/2010	C. Artaza	Amend Reply to Plaintiff's Motion to Compel.	0.3	\$150.00	\$45.00
1/13/2010	R. Lee	Contacts with Plaintiff re: deposition and discovery responses; Contact client on same; Review Plaintiff's latest pleadings.	1.8	\$275.00	\$495.00
1/15/2010	R. Lee	Attend Plaintiff's deposition and coordinate preparation of documentation and motion for Plaintiff's failure to appear; Obtain future deposition dates; Contact client on same.	0.7	\$275.00	\$192.50
1/15/2010	C. Artaza	Draft MTC Plaintiff's Deposition and conduct legal research for same.	1.1	\$150.00	\$165.00
1/19/2010	R. Lee	Amend discovery responses; Prepare and review documents to be submitted; Review and revise MTC.	1.6	\$275.00	\$440.00
1/21/2010	R. Lee	Revise MTC; Contact Plaintiff on same.	0.3	\$275.00	\$82.50
1/21/2010	C. Artaza	Amend MTC and prepare for filing.	0.5	\$150.00	\$75.00
1/25/2010	R. Lee	Conference with Paul Hicks; Contact client on same; Revise MTC.	0.4	\$275.00	\$110.00
2/3/2010	C. Artaza	Draft Reply to Plaintiff's Response to Defendant's MTC; Draft and amend Request for Hearing; Respond to Plaintiff's MTQ.	2.1	\$150.00	\$315.00
2/4/2010	R. Lee	Work on response to Plaintiff's MTC; Review Plaintiff's reply and MTQ.	1.2	\$275.00	\$330.00

EXHIBIT

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2/5/2010	C. Artaza	Amend Reply to Plaintiff's Response to Defendant's MTC.	0.6	\$150.00	\$90.00
2/10/2010	R. Lee	Review Plaintiff's latest filings; Coordinate response thereto;	0.4	\$275.00	\$110.00
2/15/2010	C. Artaza	Amend Response to Plaintiff's MTQ and Defendant's Request for Hearing and prepare for filing; Conduct legal research on same.	1.5	\$150.00	\$225.00
2/15/2010	R. Lee	Contact client re: obtaining additional discovery; revise discovery response; revise response to MTQ and hearing request.	0.8	\$275.00	\$220.00
2/19/2010	R. Lee	Review Plaintiff's latest filings; Coordinate responses thereto.	0.3	\$275.00	\$82.50
2/24/2010	C. Artaza	Review Plaintiff's Joinder Motion; Conduct legal research on same; Draft response to Plaintiff's Joinder Motion; Prepare for Settlement Conference.	3.6	\$150.00	\$540.00
2/25/2010	R. Lee	Review and revise response to Plaintiff's request to add parties; Prepare for and attend settlement conference with court; Review Plaintiff's latest filings.	2.2	\$275.00	\$605.00
3/2/2010	R. Lee	Review Plaintiff's latest filings and work on reply.	0.3	\$275.00	\$82.50
3/30/2010	R. Lee	Contact Lockheed; re: obtaining additional documents and affidavit; Review Plaintiff's Amended Complaint.	0.7	\$275.00	\$192.50
4/5/2010	C. Artaza	Draft Response to Plaintiff's Motion for Leave to file an Amended Complaint	0.8	\$150.00	\$120.00
4/5/2010	R. Lee	Revise response to Motion for Leave	0.2	\$275.00	\$55.00
4/8/2010	R. Lee	Prepare timeline; Review documentation in preparing same; Contact Lockheed re: obtaining additional information on documents provided; Review recent motions and responses filed by Plaintiff.	5.9	\$275.00	\$1,622.50
4/13/2010	C. Artaza	Review Plaintiff's Docket Entry #55 and draft response for same.	3.2	\$150.00	\$480.00
4/14/2010	R. Lee	Review Court Order; Contact client and Plaintiff on same; Review documentation.	0.4	\$275.00	\$110.00

4/16/2010	R. Lee	Review Plaintiff's latest pleadings; Contact Plaintiff re: deposition scheduling; Coordinate revising discovery responses.	0.4	\$275.00	\$110.00	
4/22/2010	R. Lee	Review documentation provided by client; Coordinate search of additional documentation.	1.0	\$275.00	\$275.00	
4/26/2010	R. Lee	Review documentation to be submitted to Plaintiff, and relevant discovery responses.	0.4	\$275.00	\$110.00	
4/28/2010	C. Artaza	Amend Response to Docket Entry #55 and prepare for filing; Draft Motion for Expedited Discovery.	1.8	\$150.00	\$270.00	
4/28/2010	R. Lee	Revise responses to Plaintiff's various motions; Contact client re: discovery responses, sanctions; Prepare Motion for Sanctions.	6.5	\$275.00	\$1,787.50	
4/30/2010	R. Lee	Additional work on Motion for Sanctions; Finalize revised discovery responses and supplement; Revise Motion for Expedited Discovery.	3.7	\$275.00	\$1,017.50	
		Review previous discovery responses;				
5/3/2010	R. Lee	Conference with client re: discovery responses; Revise and send supplemental interrogatories; Additional work on Motion for Sanctions.	3.2	\$275.00	\$880.00	
5/3/2010	C. Artaza	Conduct legal research on Motion for Sanctions against a <i>Pro se</i> Plaintiff; Amend Motion for Sanctions; Draft Declaration.	5.5	\$150.00	\$825.00	
5/4/2010	R. Lee	Review and revise responses to Plaintiff's various motions; Revise Motion for Sanctions; Contact client on same.	7.1	\$275.00	\$1,952.50	
5/4/2010	C. Artaza	Amend Motion for Sanctions; Amend Declaration and prepare for filing.	1.1	\$150.00	\$165.00	
5/5/2010	C. Artaza	Reply to Plaintiff's Response to Defendant's Motion for Expedited Discovery; Amend Response to Plaintiff's Objection; Amend Declaration	2.7	\$150.00	\$405.00	
5/5/2010	R. Lee	Additional revisions to various Motions and Replies to be submitted; Contact client on same.	2.1	\$275.00	\$577.50	
5/7/2010	R. Lee	Review current attempt to amend pleading; Prepare Motion to Unfile same.	0.5	\$275.00	\$137.50	

5/10/2010	R. Lee	Coordinate depositions and additional discovery matters; Contact client and Plaintiff on same; Revise Motion to unfile; Review Plaintiff's Response to Motion for Sanctions.	1.3	\$275.00	\$357.50
5/12/2010	R. Lee	Review documentation for issues involving Baczevski and Ramby; Review Notice of deposition; Contact client and Plaintiff on same; Legal Analysis re: Motion for Protective Order.	1.7	\$275.00	\$467.50
5/12/2010	C. Artaza	Draft response to Plaintiff's Motion for a Protective Order.	1.1	\$150.00	\$165.00
5/14/2010	R. Lee	Review Plaintiff's discovery responses.	0.4	\$275.00	\$110.00
5/15/2010	C. Artaza	Review documents produced by Plaintiff; Draft and amend correspondence to Plaintiff re: Plaintiff's discovery response deficiencies.	3.2	\$150.00	\$480.00
5/18/2010	C. Artaza	Amend Reply to Plaintiff's Response to our Motion to Unfile Plaintiff's Amended Complaint; Amend Response to Plaintiff's Request for an Expedited Order; Conduct legal research on matters related to OSHA.	2.2	\$150.00	\$330.00
5/18/2010	R. Lee	Review Plaintiff's discovery requests; Contact client on same; Prepare Response on Motion to Unfile; Prepare Reply on Expedited Motion.	3.6	\$275.00	\$990.00
5/21/2010	R. Lee	Preparation for Deposition of Plaintiff; Prepare Declaration; Revise Response to Expedited Motion.	1.8	\$275.00	\$495.00
5/24/2010	R. Lee	Preparation for Deposition of Plaintiff; Review documentation in doing same.	6.8	\$275.00	\$1,870.00
5/25/2010	R. Lee	Deposition of Plaintiff and preparation for same.	12.1	\$275.00	\$3,327.50
5/26/2010	R. Lee	Review Plaintiff's recent filings and coordinate responses for same.	0.2	\$275.00	\$55.00
TOTAL FOR SERVICES PERFORMED:				\$24,440.00	
<u>EXPENSES</u>					
Courier Service				\$30.00	
Blanks Deposition Transcript				\$2,015.39	
Videotape for Blanks Deposition				\$1,136.30	
EXPENSE TOTAL				\$3,181.69	
GRAND TOTAL				\$27,621.69	